

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension)

of the Educator Certificate of)

Hillary McManus)

Certificate 217260)

ORDER OF SUSPENSION (BREACH OF CONTRACT)

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on July 13, 2005. On June 14, 2005, the Office of Teacher Certification sent Hilary McManus a notice of her right to a hearing regarding the possible suspension of her South Carolina educator certificate by certified mail, return receipt requested, delivery restricted to addressee. Ms. McManus received the notice as evidenced by the signed postal receipt. Ms. McManus did not request a hearing within the time frame specified in the notice letter. After considering the evidence presented, the State Board voted to suspend Ms. McManus' certificate for one year.

FINDINGS OF FACT

Ms. McManus holds a valid certificate and has over three years of teaching experience. On February 3, 2005, Ms. McManus signed a contract for the 2004-2005 school year with the Greenville County School District (District) and was assigned to the Greenville Middle School Alternative Program as a Special Education Resource teacher. On April 15, 2005, Ms. McManus notified her Principal she was resigning from the District, effective immediately. Ms. McManus stated that she was leaving the District due to the impact of rising gas prices on her commute from North Carolina. On May 4, 2005, the District notified Ms. McManus that her resignation did not comply with District policy. On May 24, 2005, the Greenville County Board of Trustees voted to request the suspension of Ms. McManus' certificate.

CONCLUSIONS OF LAW

The State Board may suspend the certificate of any person for unprofessional conduct. S.C. Code Ann. §§ 59-25-150 and 160 (2004). Breach of contract is deemed to be unprofessional conduct. S.C. Code Ann. § 59-25-530 (2004); 24 S.C. Code Regs. 43-58 (1992). The State Board finds that there is sufficient evidence supporting its conclusion that Ms. McManus breached her contract with Greenville County School District, warranting the suspension of Ms. McManus' certificate 217260 for a period of one year, from July 13, 2005, through July 12, 2006. Should Ms. McManus wish to have her certificate reinstated at the end of the suspension period, she may make a written request for reinstatement to the Office of Teacher Certification.

South Carolina State Board of Education

By: /S/ Joe Isaac for Paul M. Forrester

Paul M. Forrester, Chair

Columbia, South Carolina
July 13, 2005